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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

In re Application of:
ROLENZ, MICHAEL A.
Application Serial No.: 09/577,221
Filed: May 23, 2000
For: **LASER COMMUNICATIONS CROSSLINK
SYSTEM**

DECISION ON PETITION

This is a decision on the petition pursuant to 37 C.F.R. §1.181, filed August 11, 2006 to reassign the present application to a new examiner. No fee is required.


The petition is **denied**.

Petitioner requests that the application be assigned to "an examiner and a supervisor possessing at minimum level: 1) a basic understanding of electronic communications communicating informational content with various forms for synchronous and asynchronous signaling; 2) a basic understanding of electronic communications art parlance; and 3) and ability to properly reject claims based upon teachings and suggestions of cited references.

Upon filing, an application is assigned to an examiner based upon technology and expertise in a particular art area depending on factors such as workload and resources available to handle such workload. All examiners have at least a basic understanding of the technology in their assigned art. This includes the electronic communication art. The commissioner (Director) has the authority to cause an examination of the application, see 35 USC § 131. The Director delegates this authority to a primary examiner to act on behalf of the Director in all "normal" aspects of the examination processes. Applicant has no right to pick and choose the examiner assigned to a particular application as this would cause undue burden upon the agency. However, Applicant has two avenues of relief when disagreeing with the examiner. 1.) The remedy for improper rejection is appeal to the Board of Patent Appeals and Interferences (BPAI) (35 USC 134(a), 37 CFR 41.31) and 2.) The remedy for other improper examiner actions is petition (37 CFR 1.181(a)). These are adequate remedies to address petitioner's concerns related to the examination. See also, MPEP 1201.

Petitioner's arguments are essentially a rebuttal of the examiner's establishment of *prima facie* grounds for unpatentability of the claimed invention under various statutory grounds. If Petitioner is of the opinion that the rejection(s) is/are improper, the remedy therefrom is appeal to the BPAI and not petition for reassignment of the application.

The application file is being forwarded to the examiner for treatment of the response filed August 11, 2006.



Andrew Faile, Director
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